



1997 ASSEMBLY BILL 547

October 2, 1997 - Introduced by Representative OTTE, by request of Department of Regulation and Licensing Secretary Marlene A. Cummings. Referred to Committee on Consumer Affairs.

1 **AN ACT to create** 440.205 of the statutes; **relating to:** the issuance of
2 administrative warnings to holders of credentials issued by the department of
3 regulation and licensing and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, with exceptions, the department of regulation and licensing (DORL) and the boards, examining boards or affiliated credentialing boards in DORL may conduct investigations and impose discipline on holders of credentials issued by DORL. Discipline may consist of revoking, suspending or imposing limits on a credential or reprimanding a credential holder or, in some cases, imposing forfeitures.

This bill allows DORL or a board, examining board or affiliated credentialing board in DORL, as appropriate, to close an investigation by issuing an administrative warning to a credential holder if DORL or the board determines that there is substantial evidence of misconduct by the credential holder.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 440.205 of the statutes is created to read:

ASSEMBLY BILL 547**SECTION 1**

1 **440.205 Administrative warnings.** If the department or a board, examining
2 board or affiliated credentialing board in the department determines during an
3 investigation that there is substantial evidence of misconduct by a credential holder,
4 the department, board, examining board or affiliated credentialing board may close
5 the investigation by issuing an administrative warning to the credential holder. If
6 an administrative warning is issued, the credential holder may obtain a review of the
7 administrative warning through a personal appearance before the department,
8 board, examining board or affiliated credentialing board that issued the
9 administrative warning. Administrative warnings shall be private and confidential,
10 do not constitute an adjudication of guilt or the imposition of discipline and may not
11 be used as evidence that the credential holder is guilty of the alleged misconduct.
12 However, if a subsequent allegation of misconduct by the credential holder is
13 received by the department or a board, examining board or affiliated credentialing
14 board in the department, the matter relating to the issuance of the administrative
15 warning may be reopened and disciplinary proceedings may be commenced on the
16 matter, or the administrative warning may be used in any subsequent disciplinary
17 proceeding as evidence that the credential holder had actual knowledge that the
18 misconduct that was the basis for the administrative warning was contrary to law.
19 The department shall promulgate rules establishing uniform procedures for the
20 issuance and use of administrative warnings. The rules shall include a definition of
21 “substantial evidence of misconduct” for purposes of this section.

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(END)